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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

AKITOSHI YAMADA, et al.

Application No.: 09/070,920

Filed: May 4, 1998

For: PRINT CONTROL BASED
ON PRINT HEAD
TEMPERATURE

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Examiner: M. Brooke
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Group Art Unit: 2853
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June 21, 2004

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Restriction Requirement dated May 21, 2004, Applicants hereby elect to prosecute the Group I claims, namely Claims 1 to 4, 6, 30 to 33, 35, 59 to 62, 64, 88 and 89. The Restriction Requirement is, however, traversed.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

June 21, 2004

(Date of Deposit)

Edward A. Kmett (Reg. No. 42,746)

(Name of Attorney for Applicant)


Signature

June 21, 2004

Date of Signature

Initially, it is noted that the Restriction Requirement indicates that the Group I and Group IV claims are not restricted. Accordingly, since Applicant has elected to prosecute the Group I claims, the Group IV claims are also to be examined in the present application. Accordingly, all of Claims 1 to 4, 6, 19 to 33, 35, 48 to 62, 64, 77 to 89, 92 and 93 are to be examined in the subject application.

Turning to the traversal, the Office Action indicates that the Group I and Group II claims are distinct as sub-combinations because the Group II claims allegedly have separate utility as cooling a print head between printing operations. However, Applicants wish to point out that Claim 7 states that the print head is cooled by ejecting ink droplets after the end of the printing operation. Such operation may be seen to correspond to capping the print head after the print head temperature has cooled to a predetermined threshold. Thus, Applicants submit that the Group I and Group II claims are not so different as to warrant restriction. Accordingly, rejoinder of the Group II claims is respectfully requested.

Additionally, traversal is on the ground that there would not be undue burden in examining all four groups of claims in a single application, or at least the Group I, II and IV claims in a single application. In particular, MPEP § 808 makes it clear that in order to require restriction between independent or distinct inventions, reasons for insisting upon a restriction requirement, such as undue burden, must also be shown. As stated above, Groups I, II and IV are not so distinct as to require examination in different applications. Moreover, it is believed that there would not be an undue burden on the Examiner to examine all of the claims of at least Groups I, II and IV in a single application since it is believed that a search of art relevant to one group would necessarily encompass

the others. Accordingly, it is respectfully requested that at least the Group II claims be rejoined for examination with the elected Group I and IV claims.

In view of the foregoing, reconsideration and withdrawal of the restriction requirement are respectfully requested, and an action on the merits for all pending claims is respectfully solicited.

Applicants' undersigned attorney may be reached in our California office by telephone at (714) 540-8700. All correspondence should be directed to our below listed address.

Respectfully submitted,



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